

Amendment to the Drawings

Fig. 1 has been amended again to present a picture of the invention to the Examiner *vice* the schematic representation which would be clearly understood by one of ordinary skill in the art. Fig. 2 has been amended to incorporate element 20 therein, which element has been shown in Fig.1 as of the filing of this Application.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

In the Office action dated , the Examiner Continued objecting to the drawings as containing too much information. The Examiner continued objecting to the use of the term “spanner.” Claims 1-6 stand rejected under 35 U.S. C. § 102(b) as being anticipated by U. S. Patent No. 2,082,792 to Dean. Claims 3-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over ‘792.

In the Specification, paragraphs 0005 and 0006 have been amended to accurately describe twice-amended Figs 1 and 2.

In the Claims, claim 1 is amended.

The Invention

This invention relates to an elongate beam structure useable between upright columns in a building frame structure, known as a “chase beam” structure which includes, along much of its length, a vertically open through-passage, referred to herein as a chase passage, which lies generally about the vertical plane occupied by the beam’s long axis when the beam is installed in operative condition in a building. This chase passage conveniently accommodates certain necessary “between-floor” routing of various support infrastructure, such as wiring, ducting and plumbing, in a plural-story building.

The chase beam of this invention not only furnishes such an infrastructure-accommodating chase passage, but also is designed to have a relatively simple and easy-to-fabricate structural organization which, in other respects, provides all of the necessary, and normally expected, beam load-bearing functionality. Additionally, the beam of the invention

features opposite end regions, at least one of which, though preferably both, are configured with appropriate overload fuses, and which may be formed in the well-known I-Beam configuration.

The Applied Art

U. S. Patent No. 2,082,792 to Dean describes a beam formed of sheet metal, having a continuous exterior box formed about a hollow central region.

The Drawings

It is the Examiner's opinion that the drawings are "...redundant with an over abundance of reference characters making the drawing figures unclear and messy." Applicant is unable to find any regulatory or statutory provision which states that drawings may be objected to for being "messy," which is apparently a new term of art being used by Examiners in the U.S. Patent and Trademark Office. Fig. 1 has ALWAYS been presented in three dimensions in that element 14 has always been shown at 90° to element 13, rendering the figure in three dimensions. That the Examiner has been unable to appreciate this presentation in schematic form should not be Applicant's problem, however, Applicant, in an attempt to further prosecution of this Application, has once again amended Fig.1 in an attempt to satiate the Examiner. With respect to the figures, taken collectively, all of the claimed features of the invention are clearly depicted in picture-form so that the Examiner may appreciate the novelty of the invention and be able to distinguish the invention from the applied art. All of the claimed features of the invention are clearly depicted in the drawings, which are easily understandable by one of ordinary skill in the art. If the Examiner is still convinced that the drawings contain too many reference numbers, the Examiner is invited to suggest which reference number be removed,

and to further suggest how the then-unidentified elements of the inventions be described in the Specification. Otherwise, Applicant stands by the drawings as they now exist in this Application.

With respect to the Examiner's objection to the drawings and claim language, as to the Examiner's contention that the spanner and fuse portions are not depicted such that one of ordinary skill in the art could practice the invention, the examiner is clearly wrong: a "fuse" is a well known term of art and feature in the building trades, and a spanner portion is defined in the specification and has always clearly been identified in the drawings; further, in the context of the field of art, one of ordinary skill in the art would easily understand that a "spanner" portion is a beam which extends between two columns, *i.e.*, spans the distance between the columns. The Examiner's contention that "spanner" means a wrench is simply ignoring Standard American English in favor of Standard British English, and takes Applicant's term out of context. Further, the Examiner's reliance on *Process Control Corp* is misplaced: one of ordinary skill in the art would clearly understand Applicant's terminology *in the context of the Application and drawings*. To say otherwise is to insult the intelligence of the well-known one of ordinary skill in the art.

The Claims

Claim 1 has been amended to recite that the chase passage of the spanner is a clear space, *i.e.* open, and that it has an open top and an open bottom. Dean does not teach nor suggest such structure. Dean teaches a hollow metal beam having an enclosed central passage. There is no teaching nor suggestion in Dean that the top and bottom portions of the beam contain anything similar to or equivalent of a clear-space chase passage which lies generally about a

plane containing the beam's long axis, as required by claim 1. The beam of Dean could serve as Applicant's element 20 if properly sized, or as a vertical column 11 or 12, but it does not even come close to meeting the structural requirements of claim 1 for the claimed chase beam.

The Examiner's contention that Dean elements 3 and 4 comprise a spanner portion and that the space therebetween is a chase passage meeting the requirements of claim 1 lacks the candor required of dealings between the U.S. Patent and Trademark Office and Applicants. Claim 1 requires, following the previous amendment, that the chase beam accommodate vertical passage of selected building infrastructure through, and generally within the vertical plane containing the long axis of the beam. How does this happen in Dean, which provides an enclosed passage? It is a fiction. Claim 1 is clearly allowable over the applied art.

Claim 2 is allowable for the reasons set forth in connection with claim 1: there is no teaching nor suggestion in Dean that a chase beam (1) extend laterally between a pair of upright (vertical) columns and (2) that the chase beam have spanner portions wherein the space between the spanner portions defines a vertically clear chase passage extending as a clear space, *i.e.*, open, *through* the beam generally about a plane containing the beams long axis. The Examiner should look up "through" in a dictionary, which means, *inter alia*, in one side and out the other. Again, if the beam of Dean is horizontally oriented, the passage therein does not provide either spanner portions nor a clear chase passage through the beam. Claim 2 is allowable over the applied art.

Claims 3 and 4 stand rejected under both 35 U.S. C. § 102(b) and 35 U.S.C. § 103(a), however, the Examiner has provided a reason for rejection only 35 U.S.C. § 103(a).

Claims 3 and 4 require that an overload fuse be provided for at least one end portion of the chase beam. The Examiner has not shown any structure in the applied reference which teaches or suggest the incorporation of an overload fuse in the applied art, and now relies on the instant Application for support. Thus, claims 3 and 4 are allowable over the applied 35 U.S. C. § 102(b) and 35 U.S.C. § 103(a) art. Applicant has always acknowledged that the claimed structure is known, however, the Examiner has never made an appropriate, valid rejection, and still has not done so, relying on Dean as 35 U.S. C. § 102(b) and 35 U.S.C. § 103(a) art.

Claim 5 stands rejected under 35 U.S. C. § 102(b), the Examiner contending that the beam of Dean is an I-beam, and that Dean elements 3 and 4 form a spanner in the form of a channel. However, Dean elements 3 and 4 must form the web of an I-beam, and thus, cannot also serve as spanner/channels, as the claim requires and I-beam and a channel: it is not logical that Applicant would recite separate elements if only a single element were required. So, the Dean beam could be an I-beam, or it could be a channel, but not both. Also, claim 5 depends from claim 2, which requires that the spanner have a vertical clear passage (channel) which is not present in Dean. Claim 5 is allowable over the applied art.

Claim 6 is allowable for the reasons set forth in connection with claims 2 and 5: claim 6 further defines the end-portion/spanner-portion relationship, and this relationship is neither taught nor suggested by Dean.

In light of the foregoing amendment and remarks, the Examiner is respectfully requested to reconsider the rejections and objections state in the Office action, and pass the application to allowance. If the Examiner has any questions regarding the amendment or

remarks, the Examiner is invited to contact the undersigned.

Request for Extension of time in Which to Respond

Applicants hereby request a one-month extension of time under 37 C.F.R. § 1.136(a). A PTO Form 2038 Credit Card authorization in the amount of \$465.00 is enclosed to pay the requisite RCE (\$405.00) and extension fee (\$60.00). The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

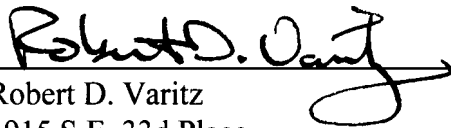
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Respectfully Submitted,

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